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City may file suit over state aid for education

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PROVIDENCE — City Council members are weighing a bold move of filing a lawsuit against the state to make a statement, and, perhaps, force real change in the way the state finances education.

Council members will introduce a resolution tonight that would allocate up to \$75,000 for hiring outside counsel to explore the legal ramifications of filing suit against the state. The grievance? Not living up to its requirement to pay for education.

"We're an aggrieved party; as an aggrieved party we believe we have certain

rights under the Constitution," said Council Majority Leader Terrence M. Hassett. "We believe that we're being unfairly funded, as well as other cities and towns ... It'll challenge the state to fairly and adequately fund education in Rhode Island."

Providence is facing a severe budget crisis, partially due to the state's decision to level-fund education aid. Providence was counting on the 3 percent increase built into the governor's budget, but the General Assembly decided to keep education financing where it was last year.

To Providence, that meant \$6 million

less than they had expected — only part of the more than \$27.5-million deficit for the fiscal year that began Sunday, but enough to encourage action. The percentage of education in Providence financed by city property taxes has increased steadily over the last four years.

The council members want to spur the state to adopt the recommendations of a recent report by the Rhode Island Public Expenditure Council, which pushed a state education formula that did not rely so heavily on property taxes.

"The State of Rhode Island does not fairly and adequately provide education funding to municipalities," said Council-

man John J. Iglizzi, chairman of the council's Finance Committee. "Over the last 10 years, it has been hit or miss on what a city or town will get. We need to implement the findings of the RIPEC study and institute a fair funding policy."

The council members are unsure whether they would look to seek damages from the state, or whether their request has a direct legal precedent.

There is some precedent for local communities to sue the state — in 1993, three urban communities sued the state seeking a more equitable distribution of money, eventually losing in the state Supreme Court; in 1999, a group of 10 sub-

urban communities filed suit against the state, claiming that its funding formula was unconstitutional, and were told that the precedent set in the earlier ruling was clear — the General Assembly sets funding levels, not the courts.

But Councilman Seth Yurdin said that much has changed since then, in both the dire situation in the city and in the potential attitude of the courts.

"There was a [state] lawsuit that was filed previously, and around the country there have been lawsuits filed regarding the adequacy of funding," Yurdin said.

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This action is very preliminary, council members stressed, but Hassett said that hiring the legal counsel as an exploratory first step has the support of nearly the entire council. The appropriation is capped at \$75,000.

Once hired, the legal adviser would work with the city's legal department to devise a litigation strategy and determine the next step.

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